

Stephen L. Griffith, OSB No. 77198  
slgriffith@stoel.com  
STOEL RIVES LLP  
900 SW Fifth Avenue, Suite 2600  
Portland, OR 97204  
Telephone: (503) 224-3380  
Facsimile: (503) 220-2480

Cameron L. Sabin (*Pro Hac Vice*)  
clsabin@stoel.com  
201 South Main Street, Suite 1100  
Salt Lake City, Utah 84111  
Telephone: (801) 328-3131  
Facsimile: (801) 578-6999

Attorneys for Defendant Union Bank of California

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON

MARK ORTMAYER, Civil No. CV-04-1580

Plaintiff,

**STIPULATED MOTION TO STAY  
LITIGATION**

v.

UNION BANK OF CALIFORNIA, N.A.;  
CAL-WESTERN RECONVEYANCE  
CORPORATION,

Defendants.

---

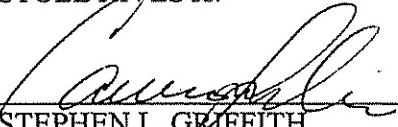
On July 13, 2005, the plaintiff Mark Ortmayer ("Ortmayer") and defendants Union Bank of California ("UBOC") and Cal-Western Reconveyance Corporation ("Cal-Western") (collectively "the parties") participated by telephone in a Rule 16 conference with the Court. During the conference, Ortmayer advised the Court that he had filed a Chapter 7 bankruptcy.

Based upon this representation by Ortmayer, the Court ordered the parties to advise the Court, in writing, no later than July 29, 2005, of what effect, if any they believe the filing of the bankruptcy has on this proceeding and the Court's ability to proceed with this case. Following the telephone conference, the parties researched the question posed by the Court and have collectively come to the following determinations: (1) pursuant to the relevant provisions of the Bankruptcy Code and pertinent case law, Ortmayer's claims against UBOC and Cal-Western became property of the bankruptcy estate at the time of the filing of the bankruptcy petition and can only be prosecuted by the trustee in bankruptcy, subject to the trustee's abandonment of those claims as assets of the estate; and (2) pursuant to the automatic stay provisions of the Bankruptcy Code, UBOC's counterclaim against Ortmayer is stayed pending either dismissal of the bankruptcy or an order by the bankruptcy court granting UBOC relief from the stay.

Based upon the foregoing, the parties hereby stipulate and move this Court to stay this case pending (1) a determination by the trustee in bankruptcy whether he will prosecute Ortmayer's claims or elect to abandon those claims and (2) a determination by the bankruptcy court regarding whether it will grant UBOC relief from the automatic stay.

DATED this 29<sup>th</sup> day of July, 2005.

STOEL RIVES LLP

  
STEPHEN L. GRIFFITH  
OSB NO. 77198  
CAMERON L. SABIN  
*Pro Hac Vice*  
Telephone: (503) 294-9203

Attorneys for Union Bank of California

DATED this 24<sup>th</sup> day of July, 2005.

PITE DUNCAN & MELMET, LLP



WILLIAM F. MCDONALD  
ORS NO. 02389

Attorney for Cal-Western Reconveyance  
Corp.

DATED this \_\_\_\_\_ day of July, 2005.

---

MARK ORTMAYER

DATED this \_\_\_\_ day of July, 2005.

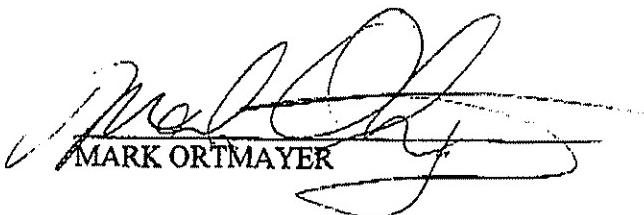
PITE DUNCAN & MELMET, LLP

---

WILLIAM F. McDONALD  
ORS NO. 02389

Attorney for Cal-Western Reconveyance  
Corp.

DATED this 29 day of July, 2005.



MARK ORTMAYER

A handwritten signature in black ink, appearing to read "Mark Ortmayer". Below the signature, the name "MARK ORTMAYER" is printed in a standard font.